



THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

ZACHARY W. CARTER
Corporation Counsel

NOREEN STACKHOUSE
Senior Counsel
Phone: (212) 356-2375
Fax: (212) 356-3509
nstackho@law.nyc.gov

August 5, 2016

BY ECF

Honorable Ronald L. Ellis
United States Magistrate Judge
United States District Court
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

Re: O'Neil Gomez v. City of New York, et al., 13-CV-1822 (VSB)(RLE)

Your Honor:

I am a Senior Counsel in the Special Federal Litigation Division of the New York City Law Department handling the defense of the above-referenced matter on behalf of defendants. In that capacity, I write in furtherance of the Court's July 26, 2016 Order which directed plaintiff's counsel to show good cause why: (1) he should not be sanctioned for his repeated failure to cure discovery deficiencies; and (2) why this case should be not dismissed for failure to prosecute. The Court further ordered plaintiff to submit a sworn declaration and any other relevant evidence by August 1, 2016, and directed defendants to submit a responding declaration and supporting evidence by August 8, 2016. See Civil Docket Sheet at Entry No. 77. To date, plaintiff's counsel has failed to respond to the Court's Order in any way. Accordingly, defendants respectfully renew their request that the Court dismiss this action for failure to prosecute pursuant to Rules 41(b) and 37(b)(2)(A) of the Federal Rules of Civil Procedure.

Should the Court require formal briefing on this issue, defendants are prepared to promptly file same. Thank you for your consideration herein.

Respectfully submitted,

/s/

Noreen Stackhouse
Senior Counsel
Special Federal Litigation Division

cc: Richard Borzouye, Esq. (By ECF)
Attorney for Plaintiff
44 Court Street, Suite 1217
Brooklyn, New York 10005